

AMENDED IN SENATE FEBRUARY 16, 2006

AMENDED IN ASSEMBLY MAY 27, 2005

AMENDED IN ASSEMBLY MAY 23, 2005

AMENDED IN ASSEMBLY MAY 4, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1169

Introduced by Assembly Member Torrico
(Principal coauthor: Assembly Member Cohn)
(Coauthors: Assembly Members Benoit, DeVore, and Jones)

February 22, 2005

An act to ~~amend Sections 241.3, and 243.3 of, and to add Section 241.35 to, the Penal Code, relating to crimes against transit district operators;~~ *add and repeal Section 1946.1 of the Civil Code, relating to tenancy.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1169, as amended, Torrico. ~~Transit district operators: assault and battery: penalties.~~*Real property: rentals.*

Existing law governs the hiring of residential dwelling units and establishes provisions for the renewal or termination of a hiring of residential real property for an unspecified term. Provisions of that law, in effect until January 1, 2006, included a requirement that an owner of a residential dwelling give at least 60 days' notice prior to termination or 30 days' notice prior to termination if the tenant had resided in the dwelling for less than one year, or if other enumerated circumstances were satisfied.

This bill would, until January 1, 2010, reenact the provisions described above. This bill would also revise these provisions to provide that an owner may give 30 days' notice if any tenant or resident has resided in the dwelling for less than one year.

~~Existing law makes it an offense to assault any person on the property of, or on a motor vehicle of, a public transportation provider, and provides that the offense is punishable by a fine not to exceed \$2,000, or by imprisonment in a county jail not to exceed one year, or by both the fine and imprisonment.~~

~~This bill would provide, in addition, that when an assault is committed against the operator of a transit district's vehicle while the operator is performing his or her duties, and the person knows or reasonably should know that the victim is engaged in the performance of his or her duties, the offense shall be punished by a fine not to exceed \$5,000 or by imprisonment in a county jail not to exceed one year, or by both the fine and imprisonment.~~

~~This bill would further provide that when an assault is committed against the operator of a transit district's vehicle while the vehicle is in motion, the offense would be punished by a fine not exceeding \$10,000 or by imprisonment in a county jail not exceeding one year, or by both the fine and imprisonment.~~

~~Existing law provides that when a battery is committed against the person of an operator, driver, or passenger on a bus, taxicab, streetcar, cable car, trackless trolley, or other motor vehicle, as specified, the penalty is imprisonment in a county jail not exceeding one year, or a fine not exceeding \$10,000, or both the fine and imprisonment.~~

~~This bill would provide that a battery committed against the operator of a transit district's vehicle while the vehicle is in motion would be punishable by a fine not exceeding \$15,000, or by imprisonment in a county jail not exceeding one year, or by both that imprisonment and fine.~~

~~By expanding the scope of an existing crime, and creating new crimes, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no.
State-mandated local program: ~~yes~~-no.

The people of the State of California do enact as follows:

1 SECTION. 1. Section 1946.1 is added to the Civil Code, to
2 read:

3 1946.1. (a) Notwithstanding Section 1946, a hiring of
4 residential real property for a term not specified by the parties, is
5 deemed to be renewed as stated in Section 1945, at the end of the
6 term implied by law unless one of the parties gives written notice
7 to the other of his or her intention to terminate the tenancy, as
8 provided in this section.

9 (b) An owner of a residential dwelling giving notice pursuant
10 to this section shall give notice at least 60 days prior to the
11 proposed date of termination. A tenant giving notice pursuant to
12 this section shall give notice for a period at least as long as the
13 term of the periodic tenancy prior to the proposed date of
14 termination.

15 (c) Notwithstanding subdivision (b), an owner of a residential
16 dwelling giving notice pursuant to this section shall give notice
17 at least 30 days prior to the proposed date of termination if any
18 tenant or resident has resided in the dwelling for less than one
19 year.

20 (d) Notwithstanding subdivision (b), an owner of a residential
21 dwelling giving notice pursuant to this section shall give notice
22 at least 30 days prior to the proposed date of termination if all of
23 the following apply:

24 (1) The dwelling or unit is alienable separate from the title to
25 any other dwelling unit.

26 (2) The owner has contracted to sell the dwelling or unit to a
27 bona fide purchaser for value, and has established an escrow
28 with a licensed escrow agent, as defined in Sections 17004 and
29 17200 of the Financial Code, or a licensed real estate broker, as
30 defined in Section 10131 of the Business and Professions Code.

31 (3) The purchaser is a natural person or persons.

32 (4) The notice is given no more than 120 days after the escrow
33 has been established.

34 (5) Notice was not previously given to the tenant pursuant to
35 this section.

1 (6) *The purchaser in good faith intends to reside in the*
2 *property for at least one full year after the termination of the*
3 *tenancy.*

4 (e) *The notices required by this section shall be given in the*
5 *manner prescribed in Section 1162 of the Code of Civil*
6 *Procedure or by sending a copy by certified or registered mail.*

7 (f) *This section may not be construed to affect the authority of*
8 *a public entity that otherwise exists to regulate or monitor the*
9 *basis for eviction.*

10 (g) *This section shall remain in effect only until January 1,*
11 *2010, and as of that date is repealed, unless a later enacted*
12 *statute, that is enacted before January 1, 2010, deletes or extends*
13 *that date.*

14 ~~SECTION 1. Section 241.3 of the Penal Code is amended to~~
15 ~~read:~~

16 ~~241.3. (a) (1) Except as provided in paragraph (2), and~~
17 ~~Section 241.35 when an assault is committed against any person~~
18 ~~on the property of, or on a motor vehicle of, a public~~
19 ~~transportation provider, the offense shall be punished by a fine~~
20 ~~not to exceed two thousand dollars (\$2,000), or by imprisonment~~
21 ~~in a county jail not to exceed one year, or by both the fine and~~
22 ~~imprisonment.~~

23 ~~(2) When an assault is committed against the operator of a~~
24 ~~transit district's vehicle while the operator is performing his or~~
25 ~~her duties, and the person knows or reasonably should know that~~
26 ~~the victim is engaged in the performance of his or her duties, the~~
27 ~~offense shall be punished by a fine not to exceed five thousand~~
28 ~~dollars (\$5,000), or by imprisonment in a county jail not to~~
29 ~~exceed one year, or by both the fine and imprisonment.~~

30 ~~(b) As used in this section, "public transportation provider"~~
31 ~~means a publicly or privately owned entity that operates, for the~~
32 ~~transportation of persons for hire, a bus, taxicab, streetcar, cable~~
33 ~~car, trackless trolley, or other motor vehicle, including a vehicle~~
34 ~~operated on stationary rails or on a track or rail suspended in air,~~
35 ~~or that operates a schoolbus.~~

36 ~~(c) As used in this section, "on the property of" means the~~
37 ~~entire station where public transportation is available, including~~
38 ~~the parking lot reserved for the public who utilize the~~
39 ~~transportation system.~~

40 ~~SEC. 2. Section 241.35 is added to the Penal Code, to read:~~

1 ~~241.35.—When an assault is committed against the operator of~~
2 ~~a transit district's vehicle while the vehicle is in motion, the~~
3 ~~offense shall be punished by a fine not exceeding ten thousand~~
4 ~~dollars (\$10,000) or by imprisonment in a county jail not~~
5 ~~exceeding one year, or by both the fine and imprisonment.~~

6 ~~SEC. 3.—Section 243.3 of the Penal Code is amended to read:~~

7 ~~243.3.—(a) Except as provided in subdivision (b) or (c), when~~
8 ~~a battery is committed against the person of an operator, driver,~~
9 ~~or passenger on a bus, taxicab, streetcar, cable car, trackless~~
10 ~~trolley, or other motor vehicle, including a vehicle operated on~~
11 ~~stationary rails or on a track or rail suspended in the air, used for~~
12 ~~the transportation of persons for hire, or against a schoolbus~~
13 ~~driver, or against the person of a station agent or ticket agent for~~
14 ~~the entity providing the transportation, and the person who~~
15 ~~commits the offense knows or reasonably should know that the~~
16 ~~victim, in the case of an operator, driver, or agent, is engaged in~~
17 ~~the performance of his or her duties, or is a passenger the offense~~
18 ~~shall be punished by a fine not exceeding ten thousand dollars~~
19 ~~(\$10,000), or by imprisonment in a county jail not exceeding one~~
20 ~~year, or by both that fine and imprisonment.~~

21 ~~(b) If the battery is committed against the operator of a transit~~
22 ~~district's vehicle while the vehicle is in motion, the offense shall~~
23 ~~be punished by a fine not exceeding fifteen thousand dollars~~
24 ~~(\$15,000), or by imprisonment in a county jail not exceeding one~~
25 ~~year, or by both that fine and imprisonment.~~

26 ~~(c) If a violation of subdivision (a) results in an injury to that~~
27 ~~victim, the offense shall be punishable by a fine not exceeding~~
28 ~~ten thousand dollars (\$10,000) or by imprisonment in a county~~
29 ~~jail not exceeding one year, or in the state prison for 16 months,~~
30 ~~two, or three years, or by both that fine and imprisonment.~~

31 ~~SEC. 4.—No reimbursement is required by this act pursuant to~~
32 ~~Section 6 of Article XIII B of the California Constitution because~~
33 ~~the only costs that may be incurred by a local agency or school~~
34 ~~district will be incurred because this act creates a new crime or~~
35 ~~infraction, eliminates a crime or infraction, or changes the~~
36 ~~penalty for a crime or infraction, within the meaning of Section~~
37 ~~17556 of the Government Code, or changes the definition of a~~

- 1 ~~crime within the meaning of Section 6 of Article XIII B of the~~
- 2 ~~California Constitution.~~

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